

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	04 C 2685	DATE	7/20/2004
CASE TITLE	USA vs. Andrew Traeger		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Order. Accordingly the July 8 memorandum opinion and order stands. Traeger's most recent motion, which effectively seeks a reconsideration of that opinion, is denied in its entirety. (12-1)

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.	18003 10181510 'S.N CLERK 64:8 WJ 02 700 400Z 2004 JUL 20 PM 3:49 Date/time received in central Clerk's Office	number of pages JUL 21 2004 date docketed	Document Number
<input type="checkbox"/>	No notices required.		[Signature] docketing deputy initials 7/20/2004 date mailed notice	13
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.			
<input type="checkbox"/>	Notified counsel by telephone.			
<input type="checkbox"/>	Docketing to mail notices.			
<input type="checkbox"/>	Mail AO 450 form.		SN mailing deputy initials	
<input type="checkbox"/>	Copy to judge/magistrate judge.			
SN courtroom deputy's initials				

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No: 04 C 2685
)	(97 CR 697)
ANDREW TRAEGER,)	
)	
Defendant.)	

MEMORANDUM ORDER

After the issuance of this Court's July 8, 2004 memorandum opinion and order denying the 28 U.S.C. § 2255 motion that had been filed pro se by Andrew Traeger ("Traeger"), this Court received another pro se communication from Traeger that he has labeled as his Reply to the Government's Response to his motion. Traeger has concluded that most recent filing with a request for an evidentiary hearing and the appointment of counsel.

As the July 8 opinion reflected, the government's response to Traeger's motion demonstrated why no evidentiary hearing was required. And that being so, Rule 8(a) of the Rules Governing Section 2255 Proceedings for the United States District Court allowed the summary dismissal ordered by this Court. Traeger's current filing does not call for a different result.

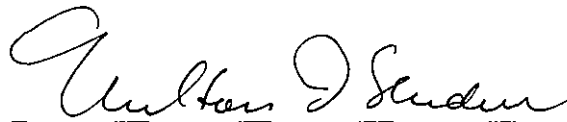
It is true that Dr. Thomas Hare, whose affidavit this Court credited for purposes of its ruling, provided personal care to Traeger only during the more recent portions of his stay at the

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Springfield, Missouri Medical Center. But as to the earlier portion of Traeger's confinement that had not been observed personally by Dr. Hare, the uncontroverted medical records from the institution also negated Traeger's claimed incompetence that assertedly precluded his timely preparation of a Section 2255 motion. In sum, nothing in Traeger's current filing calls for the rethinking of this Court's July ruling.

Accordingly the July 8 memorandum opinion and order stands. Traeger's most recent motion, which effectively seeks a reconsideration of that opinion, is denied in its entirety.

A handwritten signature in cursive script, reading "Milton I. Shadur", written in dark ink.

Milton I. Shadur
Senior United States District Judge

Date: July 20, 2004